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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/729,348	
	Filing Date	December 5, 2003	
	First Named Inventor	Michael Fleisher	
	Art Unit	2624	
	Examiner Name	not yet known	
Total Number of Pages in This Submission	29	Attorney Docket Number	10006.001810

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> Request for Reconsideration under 37 CFR 1.47(a); Copy of Decision Refusing Status under 37 CFR 1.47(a); Updated Statement of Pertinent Facts in Support of Filing on Behalf of Sachin Ahuja with Exhibits A-I; Updated Statement of Pertinent Facts in Support of Filing on Behalf of Adityo Prakash with Exhibits A-H; Postcard.
<div>Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	James K. Okamoto, Reg No. 40,110 OKAMOTO & BENEDICTO LLP
Signature	
Date	September 10, 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	James K. Okamoto		
Signature		Date	September 10, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Michael Fleisher et al. Serial No.: 10/729,348 Filed: December 5, 2003 Title: Method and Apparatus for Measuring Image Complexity	Examiner: not yet known Art Unit: not yet known Atty. Docket No.: 10006.001810
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Mail Stop Petition:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION UNDER 37 CFR 1.47(a)

Dear Sir:

This is being filed in response to the Decision Refusing Status Under 37 CFR 1.47(a) mailed July 15, 2004 regarding non-signing inventors Sachin Ahuja and Adityo Prakash for the above-referenced patent application. Enclosed is a copy of said Decision Refusing Status.

Per the Decision Refusing Status, further proof is required that the non-signing inventors cannot be reached or refuses to sign so as to satisfy item (1) under 37 CFR 1.47(a). Accordingly, applicants hereby respectfully submit an Updated Statement of Pertinent Facts in Support of Filing on Behalf of Sachin Ahuja and an Updated Statement of Pertinent Facts in Support of Filing on Behalf of Adityo Prakash. The facts in the updated statement describes the exact facts which are relied on to establish that a diligent effort was made to locate Mr. Ahuja and Mr. Prakash.

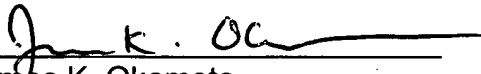
The last known address of Mr. Ahuja appears from the majority of known facts to be 220 Jessie Ln #3, Mountain View, CA 94041. The last known

address for Mr. Prakash appears from known facts to be 3320 Clearview Terrace, Fremont, CA 94539.

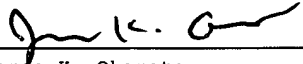
A decision granting the petition under 37 CFR 1.47(a) is respectfully requested. If the Examiner has any questions or needs additional information, the Examiner is invited to contact the undersigned attorney at (408) 436-2110.

Dated: September 10, 2004

Respectfully submitted,
Michael Fleisher, et al.

By: 
James K. Okamoto
Attorney For Applicant(s)
Reg. No. 40,110
OKAMOTO & BENEDICTO LLP
P.O. Box 641330
San Jose, California 95164
(408) 436-2110
(408) 436-2114 (FAX)

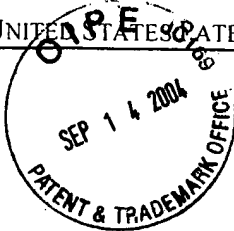
Enclosure(s)

CERTIFICATE OF MAILING			
I hereby certify that this correspondence, including the enclosures identified herein, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.			
Signature:			
Typed or Printed Name:	James K. Okamoto	Dated:	September 10, 2004
Express Mail Mailing Number (optional):			

1006-001810



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

OKAMOTO & BENEDICTO, LLP
P.O. BOX 641330
SAN JOSE, CA 95164

COPY MAILED

JUL 15 2004

OFFICE OF PETITIONS

In re Application of
Michael Fleisher, Sachin Ahuja,
Adityo Prakash and Edward Ratner
Application No. 10/729,348
Filing Date: December 5, 2003
Attorney Docket No. 10006.001810
Title: METHOD AND APPARATUS FOR
MEASURING IMAGE COMPLEXITY

:
:
:
: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
:
:
:

This is in response to the "PETITION UNDER 37 CFR 1.47(a) FOR FILING WHEN AN INVENTOR REFUSES TO SIGN OR CANNOT BE REACHED," filed May 10, 2004 (certificate of mailing May 6, 2004).

The petition is **DISMISSED**.

Rule 47 applicants are given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

The above-identified application was filed on December 5, 2003, with an unexecuted declaration and missing the basic statutory filing fee. Accordingly, on March 8, 2004, the Office mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration, the filing fee and the surcharge under § 1.16(e) for late filing. This Notice set a two-month period for reply, with extensions of time obtainable under § 1.136(a).

Applicants replied with the instant petition under § 1.47; payment of the petition fee, the filing fee and the late surcharge; and two declarations, executed in combination, by joint inventors Fleisher and Ratner on behalf of themselves and on behalf of non-signing inventors Ahuja and Prakash. Rule 47 applicants assert that status under § 1.47 is proper because of the unavailability of joint inventors Ahuja and Prakash. In support thereof, applicants submitted a statement of pertinent facts of James Okamoto.

DOCKETED:

JUL 20 2004

BY: *JA*

A grantable petition under 37 CFR § 1.47(a) requires: (1) an acceptable oath or declaration in compliance with 37 C.F.R. § 1.63 and 1.64 or 1.175; (2) proof that the non-signing inventor cannot be found or reached after diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The petition included payment of the petition fee; a declaration in compliance with § 1.47; and statements of the last known address of each of the non-signing inventors. However, the petition must be dismissed because requirement (1) has not been met.

Petitioner has not shown that the non-signing inventors, Ahuja and Prakash, cannot be found or reached after diligent effort to be presented with all of the application papers. The petition does not include adequate evidence to support a conclusion that diligent efforts have been made to find or reach the non-signing inventors to have him join in this application. Having been unsuccessful in contacting them by mail, there is no indication that Rule 47 applicants attempted to determine their forwarding addresses, and to send the application papers to those addresses for consideration. See MPEP 409.03(d). If attempts to obtain a forwarding address or to locate the non-signing inventor by other means such as through E-mail, a new telephone number, or the Internet continue to fail, then applicants will have provided the necessary proof required under 37 CFR 1.47 that the inventor cannot be reached or found after diligent effort. Details of the efforts to locate the non-signing inventors should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicants should also submit documentary evidence such as the results of an E-mail or Internet searches.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By FAX: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

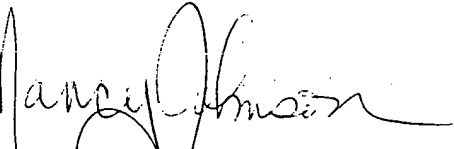
By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows:

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Application No. 10/729,348

Page 3

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0309.

A handwritten signature in dark ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



Updated Statement of Pertinent Facts (Ahuja)

**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS:	Michael Fleisher et al.
APPLICATION NO.:	10/729,348
TITLE:	Method and Apparatus for Measuring Image Complexity
GROUP ART UNIT:	Not yet known
ATTY. DKT. NO.:	10006.001810

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

**UPDATED STATEMENT OF PERTINENT FACTS
IN SUPPORT OF FILING ON BEHALF OF
SACHIN AHUJA**

Dear Sir or Madam:

This statement is being submitted in support of a Request for Reconsideration under 37 CFR 1.47(a).

Please note that Mr. Sachin Ahuja was employed by Pulsent Corporation at the time of the invention. Since that time, Pulsent Corporation has gone bankrupt and closed its business. This patent application is now being prosecuted on behalf of the new assignee PTS Corporation.

I, James K. Okamoto, hereby state the following:


a) On January 19 2004, I mailed the application papers for the above-referenced U.S. Patent Application, including a copy of the application, along with a declaration to be signed and other documents) via first class mail to Sachin Ahuja at his previous address of 220 Jessie Ln #3, Mountain View, CA 94041. Included was a cover letter requesting Mr. Ahuja sign the declaration as a joint inventor of the above-referenced application. The postal office returned the envelope of papers sent to Mr. Ahuja with 1) an indication that the addressee had moved from the Jessie Ln address to 650 Castro St, Suite 120, Mountain View, CA 94041 and 2) an indication that the addressee had moved from the Castro St address and "left no address". Attached is a copy of the cover letter sent to Mr. Ahuja marked as Ahuja Exhibit A and a copy of the returned envelope marked as Ahuja Exhibit B.

Updated Statement of Pertinent Facts (Ahuja)

- b) On March 8, 2004, I called Sachin Ahuja's last known phone number at 650-625-0785. A message from the phone company stated that this number is disconnected or no longer in service.
- c) On June 4, 2004, I performed an online search for Sachin Ahuja via Yahoo People Search. The Yahoo People Search returned the same Jessie Ln address for Sachin Ahuja. A phone number of (650) 625-0785 was also returned. Attached is a copy of the Yahoo People Search results marked as Ahuja Exhibit C.
- d) Further on June 4, 2004, after the Yahoo People Search, I made a phone call to (650) 625-0785, which was the number indicated from the Yahoo People Search. An answering machine picked up the phone, and I left a message asking for Sachin Ahuja to call back my office in relation to patent applications. No return call was received in relation to this phone message.
- e) Further on June 4, 2004, I performed a second online search via PeopleData in a diligent attempt to locate Sachin Ahuja. Five possible addresses for Sachin Ahuja were returned, including the same Jessie Ln address and four other potential addresses. Three of those potential addresses had phone numbers with a 315 area code. Attached is a copy of the PeopleData results marked as Ahuja Exhibit D.
- f) Further on June 4, 2004, I ordered a third online search via eFindOutTheTruth.com. This was a social security trace based on Sachin Ahuja's social security number. The results were returned on June 6, 2004 and indicated the same Jessie Ln address mentioned above. A copy of the social security trace results is attached hereto as Ahuja Exhibit E.
- g) Further on June 4, 2004, I also sent a package with documents via certified mail to Mr. Ahuja at the Jessie Ln address, the address indicated by the three online searches. The envelope was returned undelivered. The envelope indicates that the postal service tried, again, to deliver the package to the Jessie Ln and Castro St addresses, but that the addressee had moved and left no forwarding address. Attached hereto is a copy of the returned certified mail envelope marked as Ahuja Exhibit F.
- h) On June 23, 2004, I made three phone calls, one to each of the above-mentioned three phone numbers with the 315 area code from the PeopleData search. For the first number, (315) 638-3948, I received a message from the phone company that the number was not in service and that no further information was available. For the second number (315) 446-4870 and the third number (315) 422-8189, answering machines picked up the phone, so I left messages asking for Sachin Ahuja to call back my office in relation to patent applications. No return call was received in relation to any of these phone messages.

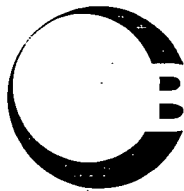
Updated Statement of Pertinent Facts (Ahuja)

- i) On August 27, 2004, I sent via Federal Express (FedEx) the application papers for the above-referenced U.S. Patent Application, including a copy of the application, along with a declaration to be signed and other documents) to Sachin Ahuja at the address of 650 Castro Street, #120, Mountain View, CA 94041. Included was a cover letter requesting Mr. Ahuja sign the declaration as a joint inventor of the above-referenced application. FedEx online tracking indicates the package was delivered on August 30, 2004. The envelope was later returned by FedEx to my office unopened on September 3, 2004. Attached is a copy of the cover letter sent to Mr. Ahuja marked as Ahuja Exhibit G, a copy of the FedEx shipping label marked as Ahuja Exhibit H, and a printout of the online tracking report marked as Ahuja Exhibit I.
- j) To date, I have not received any return correspondence, return phone call, or other communication from Sachin Ahuja regarding the above.


James K. Okamoto

September 10, 2004
Date

Attachments (Ahuja Exhibits A through I)



OKAMOTO & BENEDICTO LLP
INTELLECTUAL PROPERTY ATTORNEYS

Ahuja
Exhibit A

January 19, 2004

CONFIDENTIAL

Sachin Ahuja
220 Jessie Lane, #3
Mountain View, CA 94041

RE: U.S. Patent Application

Title: Method and Apparatus for Measuring Image Complexity
Serial No.: 10/729,348
Filing Date: December 5, 2003
Inventor(s): Michael Fleisher, et al.
Our Ref: 10006.001810

Dear Sachin:

The above-referenced nonprovisional application was filed on December 5, 2003, on behalf of PTS Corporation, now the owner of all rights to this patent application. Please find enclosed a "Declaration for Utility or Design Patent Application", an "Assignment", a "Power of Attorney" and an "Oath & Assignment" for the application attached to a copy of the application.

As a co-inventor, please sign and date the above-mentioned three forms where indicated by the flags. By signing these forms, you are basically reconfirming that you are the joint inventor of the subject matter sought to be patented.

When the forms have been executed, please return all pages of these documents and the copy of the application to us as soon as possible. A first class pre-stamped return envelope is included for your convenience.

Thank you very much for your assistance in this matter. Please contact me at (408) 436-2111 if you have any questions regarding this matter.

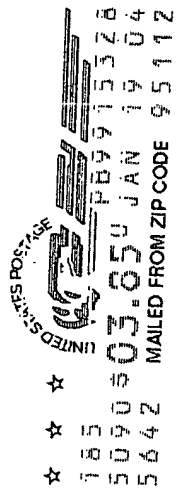
Sincerely,
OKAMOTO & BENEDICTO LLP

James K. Okamoto

JKO/jvm
Enclosures

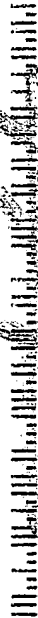
OKAMOTO & BENEDICTO LLP
1737 North First Street, Suite 270
San Jose, California 95112

RETURN TO SENDER
INSUFFICIENT ADDRESS
MOVED LEFT NO ADDRESS
NO SUCH PERSON



Sachin Ahuja

AHJ220 940412046 1703 15 01/23/04
NOTIFY SENDER OF NEW ADDRESS
AHUJA, SACHIN
FMB 229
650 CASTRO ST STE 120
MOUNTAIN VIEW CA 94041-2068



Ahuja
Exhibit B

RETURN TO SENDER
INSUFFICIENT ADDRESS
MOVED LEFT NO ADDRESS
NO SUCH PERSON

Ahuja
Exhibit C

[Yahoo!](#) [My Yahoo!](#) [Mail](#)



Sign In
New User? [Sign Up](#)

Search
the web

Search

[People Search Home](#) - [Help](#)

Your People Search:

[Create / Edit My Listing](#) - [Remove My Listing](#)

first last city state



Yahoo! Search

FEATURED SPONSOR

- [Click for all Sachin Ahuja matches](#) - Unlisted numbers & addresses. Background checks. Satellite photos.
www.PeopleData.com

PEOPLE SEARCH RESULTS 1 - 1 of 1 results

Name	Address	Phone
Sachin Ahuja	220 Jessie Ln Mountain View, CA Add to Address Book , Map	(650) 625-0785

Showing 1 - 1 of 1

[First](#) | [Previous](#) | [Next](#) | [Last](#)

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www.PeopleData.com

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[Find Unlimited Additional People for \\$1 each](#)

SEARCH RESULTS for:[SACHIN AHUJA]

Possible Name Combinations

SACHIN AHUJA

Total

Total Matches

5

5

SACHIN AHUJA - 5 Matches

Name	Address	Phone Number	Background Check	Satellite Photo	Birth Date
SACHIN AHUJA	220 JESSIE LN 3 MOUNTAIN VIEW CA 94041	(650) 625-0785	<u>Available</u>	<u>Available</u>	1970
SACHIN AHUJA	5469 LAGOON CT B TERRE HAUTE IN 47803		<u>Available</u>	<u>Available</u>	
SACHIN AHUJA	245 VILLAGE BLVD S BALDWINVILLE NY 13027	(315) 638-3948	<u>Available</u>	<u>Available</u>	
SACHIN AHUJA	3 JAMAR DR FAYETTEVILLE NY 13066	(315) 446-4870	<u>Available</u>	<u>Available</u>	
SACHIN AHUJA	102 RONEY LN 34 SYRACUSE NY 13210	(315) 422-8189	<u>Available</u>	<u>Available</u>	

[Find Unlimited Additional People for \\$1 each](#)

Ahuja
Exhibit E

James Okamoto

From: eFindOutTheTruth.com [info@eFindOutTheTruth.com]
Sent: Sunday, June 06, 2004 2:18 PM
To: james@oblpl.com
Subject: AHUJA SACHIN

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Best Regards,
Customer Service
eFindOutTheTruth.com, Inc.
Background Checks and Criminal Records
We WILL find ANYONE...even on the INTERNET!
Customer Service Fax Line: (954) 252-4493
Email: research@eFindOutTheTruth.com

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Basic People Locate Search

Name/SSN	Age	DOB	Address	Occupancy Dates	Phone
AHUJA SACHIN 077-82-xxxx	33	08/17/1970	220 JESSIE LN APT 3 MOUNTAIN VIEW, CA 94041	11/1999 - 04/2004	

Information contained herein is derived solely from public records, which may not be 100 percent accurate, up-to-date, and/or complete. Users should not assume that this data provides a complete or accurate history of any person's criminal history and/or record information. Users should consult state and federal laws before using this information in making decisions on hiring or firing of employees. **eFindOutTheTruth.com, Inc.** assumes no liability for any claims for damages arising from the use of this data beyond the actual cost of the searches performed.

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OKAMOTO & BENEDICTO LLP
1737 North First Street, Suite 270
San Jose, California 95112

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



7003 1010 0005 4552 1633

UNITED STATES POSTAGE
14Z
1510 \$06.260
2033 MAILED FROM ZI



0000 94041

First Class Mail
First Class Mail

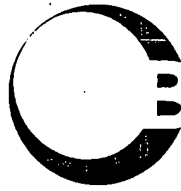
650 CASARO #120
PMB-229
94041
☒ Undeliverable as Addressed
☒ Moved, Left No Address
☒ Undelivered
☒ Refused
☒ Attempted, Not Known
☒ No Such Street
☒ No Such Number
☒ No Recyclable
☒ Declined
☒ Vacant
☒ Undeliverable as Addressed
☒ Moved, Left No Address
☒ Undelivered
☒ Refused
☒ Attempted, Not Known
☒ No Such Street
☒ No Such Number
☒ No Recyclable
☒ Declined
☒ Vacant

MOVED

NAME
Last Name
First Name
Middle Name

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Article Addressed to: <i>650 CASARO #120</i> <i>Sachin Ahuja</i> <i>220 Jessie Lane #3</i> <i>Mountain View, CA</i> <i>94041</i></p>		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	B. Received by (Printed Name) C. Date of Delivery
<p>2. Article Number (Transfer from service label) PS Form 3811 February 2004</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below:</p>	
<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	

102595-02-M-1540



OKAMOTO & BENEDICTO LLP
INTELLECTUAL PROPERTY ATTORNEYS

Ahuja
Exhibit G

August 27, 2004

Via Federal Express

Sachin Ahuja
650 Castro Street, #120
Mountain View, CA 94041

RE: U.S. Patent Application

Title: Method and Apparatus for Measuring Image Complexity
Serial No.: 10/729,348
Filing Date: December 5, 2003
Inventor(s): Michael Fleisher, et al.
Our Ref: 10006.001810

Dear Sachin:

The above-referenced nonprovisional application was filed on December 5, 2003, on behalf of PTS Corporation, now the owner of all rights to this patent application. Please find enclosed a "Declaration for Utility or Design Patent Application", an "Assignment", a "Power of Attorney" and an "Oath & Assignment" for the above-referenced application attached to a copy of the application.

As a co-inventor, please sign and date the above-mentioned three forms where indicated by the flags. By signing these forms, you are basically reconfirming that you are the joint inventor of the subject matter sought to be patented.

When the forms have been executed, please return all pages of these documents and the copy of the application to us by Friday, September 3, 2004 (one week from today). A first class pre-stamped return envelope is included for your convenience.

Thank you very much for your assistance in this matter. Please contact me at (408) 436-2111 if you have any questions regarding this matter.

Sincerely,
OKAMOTO & BENEDICTO LLP

James K. Okamoto

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James Okamoto

Phone (408) 436-2110

Company OKAMOTO & BENEDICTO, LLP

Address 1737 N 1ST ST STE 270

Dept./Floor/Suite/Room

CITY SAN JOSE

State CA

ZIP 95112-4532

Internal Billing Reference
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10006 . 001810 OPTIONAL

Recipient's
Name

Sachin Ahuja

Phone ()

Company

650 Castro Street, #120

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4a Express Package Service

☐ FedEx Priority Overnight
Next business morning

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☐ FedEx First Overnight
Earliest next business morning
delivery to select locations

☐ FedEx 2Day
Second business day
FedEx Envelope rate not available. Minimum charge: One-pound rate

☐ FedEx Express Saver
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4b Express Freight Service

☐ FedEx 1Day Freight*
Next business day

☐ FedEx 2Day Freight
Second business day

☐ FedEx 3Day Freight
Third business day

* Call for Confirmation.

5 Packaging

☐ FedEx Envelope*

☐ FedEx Pak*
Includes FedEx Small Pak, FedEx
Large Pak, and FedEx Sturdy Pak

☐ Other

6 Special Handling

☐ SATURDAY Delivery
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FedEx First Overnight

☐ HOLD Saturday
at FedEx Location
Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations

Does this shipment contain dangerous goods?

☐ No ☐ Yes
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Shipper's Declaration

☐ Yes
Shipper's Declaration
not required

☐ Dry Ice
Dry Ice, & UN 1845 x kg

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Exp.
Date

Total Packages

Total Weight

Total Declared Value*

1 \$.00

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Sign to authorize delivery without obtaining signature.

By signing you authorize us to deliver this shipment without obtaining a signature
and agree to indemnify and hold us harmless from any resulting claims.

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Signed for by A.GREY
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Delivery date Aug 30, 2004 2:16 PM

Reference 10006 001810
Delivery location MOUNTAIN VIEW, CA
Delivered to Receptionist/Front Desk
Service type Standard Pak
Weight 1.0 lbs.

Status Delivered

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[FedEx Address Checker](#)

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Aug 30, 2004 2:16 PM	Delivered	MOUNTAIN VIEW, CA	
Aug 28, 2004 10:45 AM	On FedEx vehicle for delivery	SUNNYVALE, CA	
9:05 AM	At local FedEx facility	SUNNYVALE, CA	Package not due for delivery
8:48 AM	At local FedEx facility	SUNNYVALE, CA	
6:56 AM	In transit	OAKLAND, CA	Departed location
2:21 AM	Package data transmitted to FedEx		
12:28 AM	In transit	OAKLAND, CA	
Aug 27, 2004 8:53 PM	Left origin	SAN JOSE, CA	
5:00 PM	Picked up	SAN JOSE, CA	

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**IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS:	Michael Fleisher et al.
APPLICATION NO.:	10/729,348
TITLE:	Method and Apparatus for Measuring Image Complexity
GROUP ART UNIT:	Not yet known
ATTY. DKT. NO.:	10006.001810

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

**UPDATED STATEMENT OF PERTINENT FACTS
IN SUPPORT OF FILING ON BEHALF OF
ADITYO PRAKASH**

Dear Sir or Madam:

This statement is being submitted in support of a Request for Reconsideration under 37 CFR 1.47(a).

Please note that Mr. Adityo Prakash was employed by Pulsent Corporation at the time of the invention. Since that time, Pulsent Corporation has gone bankrupt and closed its business. This patent application is now being prosecuted on behalf of the new assignee PTS Corporation.

I, James K. Okamoto, hereby state the following:

- a) On January 19 2004, I mailed the application papers for the above-referenced U.S. Patent Application, including a copy of the application, along with a declaration to be signed and other documents) via first class mail to Mr. Adityo Prakash at his previous address of 600 Marlin Court, Redwood Shores, CA 94065. Included was a cover letter requesting Mr. Prakash sign the declaration as a joint inventor of the above-referenced application. The postal office returned the envelope of papers sent to Mr. Prakash with a note that the Mr. Prakash has "moved" and that the envelope was "not deliverable as addressed--unable to forward". Attached is a copy of the cover letter sent to Mr. Prakash marked as Prakash Exhibit A and the envelope returned by the postal office marked as Prakash Exhibit B.
- b) On June 4, 2004, I performed an online search for Adityo Prakash via Yahoo People Search. The Yahoo People Search did not find any people matching Adityo

Updated Statement of Pertinent Facts (Prakash)

Prakash. Attached is a copy of the Yahoo People Search results marked as Prakash Exhibit C.

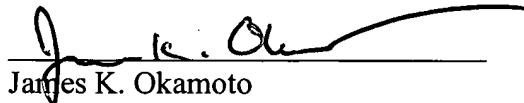
c) Further on June 4, 2004, I performed a second online search via PeopleData in a diligent attempt to locate Adityo Prakash. Two possible addresses for Adityo Prakash were returned, including the Marlin Court address and another address at 3320 Clearview Terrace, Fremont, CA 94539. There was a phone number indicated for the Marlin Court address but no phone number indicated for the Clearview Terrace address. Attached is a copy of the PeopleData results marked as Prakash Exhibit D.

d) Further on June 4, 2004, I made a phone call to (650) 637-9970, which was the number indicated from the PeopleData search. A phone company message indicated that the number was disconnected or no longer in service.

e) Further on June 4, 2004, I also sent a package with documents to sign via certified mail to Mr. Prakash at the Clearview Terrace address indicated by the PeopleData search. The envelope was returned indicating the package was unclaimed. Attached hereto is a copy of the returned certified mail envelope marked as Prakash Exhibit E.

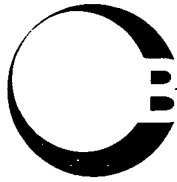
f) On August 27, 2004, I sent via Federal Express (FedEx) the application papers for the above-referenced U.S. Patent Application, including a copy of the application, along with a declaration to be signed and other documents) to Adityo Prakash at the address of 3320 Clearview Terrace, Fremont, CA 94539. Included was a cover letter requesting Mr. Ahuja sign the declaration as a joint inventor of the above-referenced application. FedEx online tracking indicates the package was delivered on August 30, 2004. Attached is a copy of the cover letter sent to Mr. Prakash marked as Prakash Exhibit F, a copy of the FedEx shipping label marked as Prakash Exhibit G, and a printout of the online tracking report marked as Prakash Exhibit H.

g) To date, I have not received any return correspondence, return phone call, or other communication from Adityo Prakash regarding the above.


James K. Okamoto

September 10, 2004
Date

Attachments (Prakash Exhibits A through H)



OKAMOTO & BENEDICTO LLP
INTELLECTUAL PROPERTY ATTORNEYS

Prakash
Exhibit A

January 19, 2004

CONFIDENTIAL

Adityo Prakash
600 Marlin Court
Redwood Shores, CA 94065

RE: U.S. Patent Application
Title: Method and Apparatus for Measuring Image Complexity
Serial No.: 10/729,348
Filing Date: December 5, 2003
Inventor(s): Michael Fleisher, et al.
Our Ref: 10006.001810

Dear Adityo:

The above-referenced nonprovisional application was filed on December 5, 2003, on behalf of PTS Corporation, now the owner of all rights to this patent application. Please find enclosed a "Declaration for Utility or Design Patent Application", an "Assignment", a "Power of Attorney" and an "Oath & Assignment" for the application attached to a copy of the application.

As a co-inventor, please sign and date the above-mentioned three forms where indicated by the flags. By signing these forms, you are basically reconfirming that you are the joint inventor of the subject matter sought to be patented.

When the forms have been executed, please return all pages of these documents and the copy of the application to us as soon as possible. A first class pre-stamped return envelope is included for your convenience.

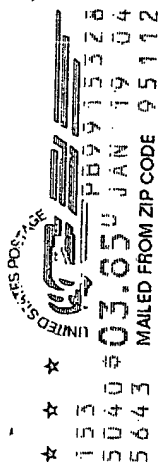
Thank you very much for your assistance in this matter. Please contact me at (408) 436-2111 if you have any questions regarding this matter.

Sincerely,
OKAMOTO & BENEDICTO LLP

James K. Okamoto

JKO/jvm
Enclosures

MOTO & BENEDICTO LLP
North First Street, Suite 270
San Jose, California 95112



Adityo Prakash
600 Marlin Court
Redwood Shores, CA 94065

MOVED

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AS ADDRESSED —
UNABLE TO FORWARD

Prakash
Exhibit B

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the web

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Possible Name Combinations
ADITYO PRAKASH
ADITYO
Total
Total Matches
2
9
11
ADITYO PRAKASH - 2 Matches

Name	Address	Phone Number	Background Check	Satellite Photo	Birth
1. ADITYO P PRAKASH	3320 CLEARVIEW TER FREMONT CA 94539		Available	Available	Janua 1967
2..ADITYO P PRAKASH	600 MARLIN CT REDWOOD CITY CA 94065	(650) 637-9970	Available	Available	Janua 1967

ADITYO - 9 Matches

Name	Address	Phone Number	Background Check	Satellite Photo	Birth
3. ADITYO P PRAKASH	3320 CLEARVIEW TER FREMONT CA 94539		Available	Available	Janua 1967
4. ADITYO NUGROHO	MOUNTAIN VIEW CA 94035	(650) 967-6362	n/a	n/a	
5. ADITYO P PRAKASH	600 MARLIN CT REDWOOD CITY CA 94065	(650) 637-9970	Available	Available	Janua 1967
6. ADITYO SOEHAR	395 BEACON ST BOSTON MA 02116		Available	Available	Janua 1971
7. ADITYO SOEHARSANO	148 N NORTH BEACON ST BRIGHTON MA 02135		Available	Available	Janua 1960
8. ADITYO S PURBOWASI	10 ROGERS ST 209 CAMBRIDGE MA 02142		Available	Available	May 1
9. ADITYO K REDDY	3 TWILIGHT CT LIVINGSTON NJ 07039	(973) 422-0238	Available	Available	June :
10. ADITYO NUGROHO	1600 WELSH AVE COLLEGE STATION TX 77840	(979) 485-0448	Available	Available	
11. ADITYO S PURBOWASI	1320 N VEITCH ST 1221 ARLINGTON VA 22201		Available	Available	May 1

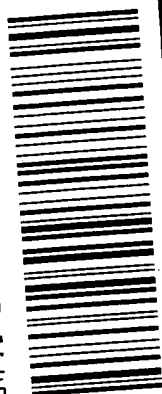
Find Unlimited Additional People for \$1 each

(c) PeopleData, Inc. 2004

Prakash
Exhibit E

OTO & BENEDICTO LLP
17th First Street, Suite 270
Fremont, California 94539

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
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CERTIFIED MAIL



7003 1010 0005 4552 1640

RETURN RECEIPT
REQUESTED

ME. OTTO PRakash
3320 CLEARVIEW TERRACE
FREMONT, CA 94539

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☒ Addressee

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3. Service Type
☒ Certified Mail ☐ Express Mail
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☐ Insured Mail ☐ C.O.D.
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94539

\$0.00

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1711 1570 06.260 JUN 04 04
2032 MAILED FROM ZIP CODE 95112

U.S. POSTAGE

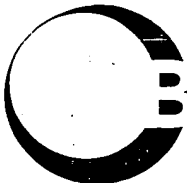
PAID
SAN JOSE, CA
JUN 04 04
AMOUNT

NAME Adityo Prakash
1st Notice 6/20/04
2nd Notice 6/22/04
Return 6/30



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— Insufficient Address
— Moved/Not Forwardable
— Forwarding Order Expired
— Addressed to Unknown
— No Such Address
— Undeliverable



OKAMOTO & BENEDICTO LLP
INTELLECTUAL PROPERTY ATTORNEYS

Prakash
Exhibit F

August 27, 2004

Via Federal Express

Adityo Prakash
3320 Clearview Terrace
Fremont, CA 94539

RE: U.S. Patent Application
Title: Method and Apparatus for Measuring Image Complexity
Serial No.: 10/729,348
Filing Date: December 5, 2003
Inventor(s): Michael Fleisher, et al.
Our Ref: 10006.001810

Dear Adityo:

The above-referenced nonprovisional application was filed on December 5, 2003, on behalf of PTS Corporation, now the owner of all rights to this patent application. Please find enclosed a "Declaration for Utility or Design Patent Application", an "Assignment", a "Power of Attorney" and an "Oath & Assignment" for the above-referenced application attached to a copy of the application.

As a co-inventor, please sign and date the above-mentioned three forms where indicated by the flags. By signing these forms, you are basically reconfirming that you are the joint inventor of the subject matter sought to be patented.

—When the forms have been executed, please return all pages of these documents and the copy of the application to us by Friday, September 3, 2004 (one week from today). A first class pre-stamped return envelope is included for your convenience.

Thank you very much for your assistance in this matter. Please contact me at (408) 436-2111 if you have any questions regarding this matter.

Sincerely,
OKAMOTO & BENEDICTO LLP

James K. Okamoto

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James Okamoto

Phone (408) 436-2110

any OKAMOTO & BENEDICTO, LLP

SS 1737 N 1ST ST STE 270

Dept./Floor/Suite/Room

SAN JOSE

State CA ZIP 95112-4532

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to

Adityo Prakash

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4b Express Freight Service

Packages over 150 lbs.
Delivery commitment may be later in some areas.

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☐ FedEx 2Day Freight
Second business day

☐ FedEx 3Day Freight
Third business day

* Call for Confirmation:

5 Packaging

* Declared value limit \$500

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Includes FedEx Small Pak, FedEx
Large Pak, and FedEx Sturdy Pak

☐ Other

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Include FedEx address in Section 3.

☐ SATURDAY Delivery
Available ONLY for
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FedEx 2Day to select ZIP codes

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at FedEx Location
NOT Available for
FedEx First Overnight

☐ HOLD Saturday
at FedEx Location
Available ONLY for
FedEx Priority Overnight and
FedEx 2Day to select locations

Does this shipment contain dangerous goods?

One box must be checked.

☐ No

☐ Yes
As per attached
Shipper's Declaration

☐ Yes
Shipper's Declaration
not required

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Dry Ice, 9, UN 1845

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☐ Third Party

☐ Credit Card

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Exp.
Date

Total Packages

Total Weight

Total Declared Value*

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Ship date	Aug 27, 2004	Delivered to	Residence
Delivery date	Aug 30, 2004 12:49 PM	Service type	Standard Pak
		Weight	1.0 lbs.

Status	Delivered
---------------	-----------

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Aug 28, 2004 10:12 AM	At local FedEx facility	UNION CITY, CA	Package not due for delivery
	7:07 AM At local FedEx facility	UNION CITY, CA	
	2:21 AM Package data transmitted to FedEx		
	12:28 AM In transit	OAKLAND, CA	
Aug 27, 2004 8:53 PM	Left origin	SAN JOSE, CA	
	5:00 PM Picked up	SAN JOSE, CA	

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